

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X CV No.
DOREEN DONOVAN,

Plaintiff,

-against-

NOTICE OF REMOVAL

GARY BARRERO AGUERO, ABLA WINE AND SPIRITS
WAREHOUSING AND DISTRIBUTION, LLC and
PENSKE TRUCK LEASING CORPORATION,

DEFENDANT DEMANDS
A TRIAL BY JURY

Defendants.
-----X

PLEASE TAKE NOTICE, that a Notice for Removal of the above-entitled action from the Supreme Court of the State of New York, County of Kings, to the United States District Court for the Eastern District of New York (a copy of which is annexed hereto) was duly filed this date in the United States District Court for the Eastern District of New York, by the defendants, GARY BARRERO AGUERO and ALBA ITZEL EXPRESS, LLC s/h/a ALBA WINE AND SPIRITS WAREHOUSING AND DISTRIBUTION, LLC.

DATED: Bethpage, New York
July 26, 2022



FRANCIS J. SCAHILL (FJS-9392)

SCAHILL LAW GROUP P.C.

Attorney for Defendants

GARY BARRERO AGUERO and ALBA
ITZEL EXPRESS, LLC s/h/a ALBA WINE
AND SPIRITS WAREHOUSING AND
DISTRIBUTION, LLC

1065 Stewart Avenue, Suite 210

Bethpage, New York 11714

(516) 294-5200

TO: ELEFTERAKIS, ELEFTERAKIS & PANEK
Attorneys for Plaintiff
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New York, New York 10005
(212) 532-1116

MCMANUS ATESHOGLU AIELLO & APOSTOLAKOS, PLLC
Attorneys for Defendant
PENSKE TRUCK LEASING CO., L.P.
48 Wall Street, 25th Floor
New York, New York 10005
(212) 425-3100

CLERK OF SUPREME COURT,
KINGS COUNTY
360 Adams Street
Brooklyn, New York 11201

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X CV No.

DOREEN DONOVAN,

Plaintiff,

-against-

NOTICE OF REMOVAL

GARY BARRERO AGUERO, ABLA WINE AND SPIRITS
WAREHOUSING AND DISTRIBUTION, LLC and
PENSKE TRUCK LEASING CORPORATION,

Kings County
Index No. 513646/22

Defendants.

-----X

**TO THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

The defendants, GARY BARRERO AGUERO and ALBA ITZEL EXPRESS, LLC s/h/a ALBA WINE AND SPIRITS WAREHOUSING AND DISTRIBUTION, LLC, request removal of this action from the Supreme Court of the State of New York, County of Kings, to the United States District Court for the Eastern District of New York, and respectfully show to this Honorable Court:

FIRST: That Gary Barrero Aguero And Alba Itzel Express, LLLC s/h/a Alba Wine And Spirits Warehousing And Distribution, LLC are the defendants in a civil action brought against them in the Supreme Court of the State of New York, County of Kings, entitled:

-----X

DOREEN DONOVAN,

Plaintiff,

-against-

GARY BARRERO AGUERO, ABLA WINE AND SPIRITS
WAREHOUSING AND DISTRIBUTION, LLC and
PENSKE TRUCK LEASING CORPORATION,

Defendants.

-----X

SECOND: The said action was commenced by the service of the summons and complaint upon the defendants, GARY BARRERO AGUERO and ALBA ITZEL EXPRESS, LLC s/h/a ALBA WINE AND SPIRITS WAREHOUSING AND DISTRIBUTION, LLC, on or about June 3, 2022. The defendants, GARY BARRERO AGUERO and ALBA ITZEL EXPRESS, LLC s/h/a ALBA WINE AND SPIRITS WAREHOUSING AND DISTRIBUTION, LLC, served a Verified Answer upon plaintiff's counsel on July 26, 2022. Copies of the Summons and Complaint and Answer are attached hereto and constitute all known process and pleadings served upon defendants to date.

THIRD: In the above-described action, the plaintiff alleges that she sustained personal injuries due to the negligence of the defendants as the result of an automobile accident which occurred on March 22, 2022.

FOURTH: The plaintiff, DOREEN DONOVAN, is a resident and a citizen of Kings County, State of New York.

FIFTH: The defendant, GARY BARRERO AGUERO, is a resident and a citizen of Union County, State of New Jersey.

SIXTH: The defendant, ALBA ITZEL EXPRESS, LLC s/h/a ALBA WINE AND SPIRITS WAREHOUSING AND DISTRIBUTION, LLC, is a foreign corporation with offices in Middlesex County, State of New Jersey.

SEVENTH: The defendant, PENSKE TRUCK LEASING CO., L.P. s/h/a PENSKE TRUCK LEASING CORPORATION, is a foreign corporation with offices in York County, State of Pennsylvania.

EIGHTH: The within action is one over which this Court has jurisdiction by virtue of 28 USC Section 1322 on the grounds that the Court has diversity jurisdiction in actions

where the parties are residents of different states.

NINTH: The amount in controversy exceeds \$75,000.00.

TENTH: The within Notice of Removal is filed within 30 days of receipt, by the moving defendant, of the Summons and Complaint, pursuant to 28 U.S.C. § 1446(b).

WHEREFORE, the defendants, GARY BARRERO AGUERO and ALBA ITZEL EXPRESS, LLC s/h/a ALBA WINE AND SPIRITS WAREHOUSING AND DISTRIBUTION, LLC, pray that this action be removed to the United States District Court for the Eastern District of New York and that this case proceed in this Court as a properly removed cause, and that the defendants have such other, further and different relief as this Court may deem to be just and proper.

DATED: Bethpage, New York
July 26, 2022



FRANCIS J. SCAHILL (FJS-9392)
SCAHILL LAW GROUP P.C.
Attorney for Defendants
GARY BARRERO AGUERO and
ALBA ITZEL EXPRESS, LLC s/h/a
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(516) 294-5200

Please take notice

☐ Notice of entry

that the within is a (*certified*) true copy of a _____ duly entered in the office of the clerk of the within
named court on _____

☐ Notice of Settlement

that an order ^ of which the within is a true copy will be presented for _____ settlement to the HON.
_____ one of the judges of the within named court, at _____ on _____

Dated: Bethpage, New York



SCAHILL LAW GROUP P.C.

Attorneys for Defendants

GARY BARRERO AGUERO and ALBA ITZEL EXPRESS, LLC
s/h/a ALBA WINE AND SPIRITS WAREHOUSING AND DISTRIBUTION, LLC
1065 Stewart Avenue, Suite 210
Bethpage, New York 11714
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To: All Parties